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April 4, 2005

*Via U.S. Express Mail*  
Labor and Industrial Relations Commission  
State of Missouri  
P.O. Box 599  
Jefferson City, Missouri 65102-0599

**FILED**

**APR - 4 2005**

LABOR AND INDUSTRIAL  
RELATIONS COMMISSION

**RE: Objections to Annual Wage Order No. 12 for Morgan County**

Dear Sirs/Mesdames:

On behalf of the Bridge, Structural and Ornamental Iron Workers, Local Union No. 10 (hereinafter, "the Union"), and pursuant to 8 C.S.R. 20-5.010, an objection is hereby filed regarding proposed Annual Wage Order No.12 for Morgan County. A certified copy of the Order was issued by the Division of Labor Standards in early March. This letter and all supporting documents are being filed in triplicate with the Commission.

The Union specifically objects to the prevailing wage set under Annual Wage Order No.12 for the occupational title of Iron Worker. Annual Wage Order No. 12 fixes the basic hourly rate for this job classification at a mere \$17.00 per hour with no fringe benefit payments required, and overtime to be paid pursuant to Federal law.

As the attached documents plainly demonstrate, Annual Wage Order No. 12 does not accurately reflect the appropriate Iron Worker scale for Morgan County. Appendix A is a copy of the certified payroll reports prepared by Balco, LLP for work performed in Morgan County in 2004. Balco's iron workers (Tim Fink and Bobby Lindsay) spent a total of 74 man-hours tying rebar on the Morgan County Public Library project in October 2004. That project is subject to the prevailing wage rates prescribed in Annual Wage Order No. 11. The attached payroll reports indicate the following hours worked in Morgan County by Balco iron workers in 2004.

**1st Page - Dated: 10/12/2004**

1st Column - Check No. 238 is hours for **Tim Fink** (see 1st column, 3rd number after check no.= **16 hours**)  
1st Column - Check No. 240 is hours for **Bobby Lindsay** (again, 3rd number after check no. = **10 hours**)

**2nd Page - Dated: 10/21/2004** (TOP OF PAGE HAS 10/13 - 10/19)

1st Column - Check No. 243 is hours for **Tim Fink** (3rd number after check no. = **8 hours**)  
1st Column - Check No. 248 is hours for **Bobby Lindsay** (3rd number after check no. = **8 hours**)

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**3rd Page - Dated: 10/27/2004** (TOP OF PAGE HAS 10/20 - 10/26)

1st Column - Check No. 257 is hours for **Tim Fink** (3rd number after check no. = **16 hours**)

**4th Page - Dated: 10/27/2004**

1st Column - Check No. 261 is hours for **Bobby Lindsay** (3rd number after check no. = **16 hours**)

According to the attached documentation, Balco's iron workers were paid a basic hourly rate of \$21.50, plus fringe benefits totaling \$15.08 per hour.

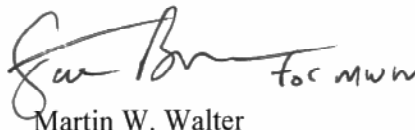
In addition, the Union has evidence that in late 2004, Sircal Contracting, Inc. of Jefferson City, which was the general contractor on the Morgan County Public Library project, performed work under the iron worker classification but misclassified it as carpenter work. Specifically, Sircal had its carpenters erect the structural steel for the library, which by state regulation is considered to fall within the iron worker classification. Thus, if the Union is required to present additional iron worker hours in order to establish the prevailing wage rate, it would be prepared to present evidence of Sircal's performance of the iron worker hours.

In light of the overwhelming evidence that journeymen iron workers were previously paid a total hourly rate of \$36.58, the Union objects to Annual Wage Order No. 12 and requests that the Commission adjust the published Iron Worker scale to be consistent with the rates paid by Balco for work performed in Morgan County.

The original and three copies of these objections are filed with a request that one file-stamped copy be returned to me, the undersigned, who hereby certifies that a copy of this Letter of Objection along with the enclosures, have been mailed this date, postage pre-paid by U.S. mail to the Division of Labor Standards, P.O. Box 449, Jefferson City, Missouri 65102.

In view of the foregoing information and the supporting enclosures, we submit that Annual Wage Order No. 12 should be revised to reflect the wage rates paid to iron workers by the subject construction contractor in Morgan County. I thank you very much for your consideration, and should you have any questions concerning this matter, I will be pleased to hear from you.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Martin W. Walter", with a stylized flourish at the end.

Martin W. Walter

MWW:wjm  
Enclosures

cc: Division of Labor Standards  
David Coleman, Iron Workers Local No. 10